

REMARKS

An interview was conducted with the Examiner and Examiner Supervisor on June 13, 2007. The following amendments and remarks are respectfully submitted. Entry and reconsideration of the amended claims and remarks is respectfully requested, because it is believed in view of the clarifying remarks and the amended independent claims, the claims are in condition for allowance, which is respectfully requested.

STATUS OF THE CLAIMS

Claims 2-7, 9, and 11-13 are pending in the application.

Claims 2-7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (US 5,938,734), Ueno et al. (US 6,438,596) and Kanazawa et al. (US 6,580,870).

According to the foregoing, the claims 7 and 11 are cancelled without disclaimer or prejudice, the claims are amended, and thus, pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

35 USC 103 REJECTION

The amended independent claim 18 is the apparatus claim directed to the "transit control server" 20 (FIG. 1). Independent claims 12 and 13 are method and computer-readable type claims require similar limitations as independent claim 18. Other claims have been amended into dependent claims.

Support for independent claim 12, 13 and 18 amendments can be found, for example, in FIGS. 1, 2, 3, 4A-4B, 5, 6, 10-11, 13, 15, 16, 18, 20, 22 and 24, and pages 20, 22 (line 19+), 28, 30, 47, 50, 53, 65, 74 (line 6+) and 116.

Support for dependent claim 2 can be found in page 33, line 1+ and page 116, lines 5-7 and FIG. 7.

Support for dependent claim 3 can be found in page 39, line 12+ and FIGS. 8, 9.

Support for dependent claim 4 can be found in page 53, lines 1-6.

Support for dependent claim 6 can be found in page 57, line 11+ and FIG. 12.

Support for dependent claim 9 can be found on page 105, lines 10+ and FIG. 24.

More particularly, for example, the present application FIGS. 15-16 and page 74, line 6 to page 78, line 15, page 28, lines 11-20, page 65, lines 6-19, and page 116, lines 13-15 support the claimed embodiments.

Kanazawa column 8, lines 50-63, as relied upon in the Office Action page 4 relates to designation of content to be displayed, but the claimed embodiment, using claim 18 as an example, controls, over a network, "controlling, over the network, according to **a reproduction instructionsinstruction based upon the network traffic volume and/or the processing capacity of the receiving device, a display output controlparameter** of the content of the stream information of the content to be reproduced at the receiving device."

Kanazawa column 8, lines 50-63 discusses:

... external information is acquired on the basis of the information management table 40b in the reproduction of the title information (encoded stream) 40a) stored in the DVD 40. However, the present invention is can be applied to a reproduction system designed mainly for TV broadcasting or CATV (such a system is also called "set top box" IRD (integrated receiver decoder)), which can acquire stream data corresponding to the title information 40a.

However, Kanazawa column 5, lines 10-63 discusses that the information management table 40b "is composed of pieces of identification information ... for identifying individual streams in the title information 40a and access information (or link information) 30." Thus, Kanazawa's information management table 40b identifies content to be displayed, but Kanazawa fails to disclose, either expressly or implicitly as evidence that one skilled in the art would modify Kanazawa, to provide the claimed "controlling, over the network, ... **based upon the network traffic volume and/or the processing capacity of the receiving device, a display output controlparameter** of the content ... to be reproduced at the receiving device" and "**the display output controlparameter related to one or more of display output control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content or sound related to one or more of whether to reproduce sound, whether to synthesize a sound with another sound, specifying a sound volume, or voice/sound quality information, or prohibiting and/or permitting**

another external control at the receiving device of the display parameter."

Further, Kanazawa column 8, lines 50-63, as relied upon in the Office Action page 7, item 10, is also silent on the claimed controlling "a display parameter" based upon "**network traffic volume and/or the processing capacity of the receiving device**." For example, the present application page 65, line 6 to page 66, line 19 supports this claimed feature.

Further, Kanazawa fails to disclose, either expressly or implicitly, the claimed "prohibiting and/or permitting another external control at the receiving device of the display parameter," because Kanazawa's management table 40b is silent on any such display parameter control." The Office Action page 5, items 6 and 7 relies upon Ueno column 18, lines 43-57 and Ueno column 14, lines 11-30 to reject dependent claims 4 and 5 features, respectively, concerning managing another external control at the receiving device. Ueno column 18, lines 43-57 only discusses "Since there are upper limits with respect to the number of simultaneous accesses to the same video source and the number of users to which services are able to be offered at the same time for each server, a new demand for service is not able to be accepted when they have already reached the upper limit." However, clearly whether Ueno's server accepts or not accepts a new service demand differs from the claimed "prohibiting and/or permitting another external control at the receiving device of the display parameter," because a service demand to a server from a user differs from whether "***another external control***" of reproduction display parameters at the receiving device is prohibited and/or permitted. Further, Ueno column 14, lines 11-30 only discuss a guaranteed minimum data transmission rate, which clearly differs from the claimed "prohibiting and/or permitting another external control at the receiving device of the display parameter," because a guaranteed minimum data transmission differs from whether "another external control" of reproduction display parameters at the receiving device is prohibited and/or permitted.

Further, in contrast to Yao, Ueno and Kanazawa, independent claim 18 provides "wherein the distribution instruction comprises editing the content of the real-time reproducible stream information reducing a display size of the content, based upon the traffic volume on the network and/or the processing capacity of the receiving device." For example, the present application page 64, line 11 to page 65, line 19 support this claimed feature.

A prima facie case of obviousness based upon Yao, Ueno and Kanazawa cannot be established, if the discussions of Yao, Ueno and Kanazawa are specifically applied to the

language of the independent claims, because Yao discusses realizing a supply of real-time stream data with different data rates by a scheduling scheme using constant time-slot interval and transfer start timing period - Abstract, column 3, but is silent on the claimed "controlling, over the network, according to a reproduction instructions instruction based upon the network traffic volume and/or the processing capacity of the receiving device, a display output control parameter of the content of the stream information of the content to be reproduced at the receiving device ..." Furthermore, Ueno's "communication-network-resources management control" fails to disclose, either expressly or implicitly as evidence that one skilled in the art would combine Yao, Ueno and Kanazawa and modify the same, to provide the claimed "controlling, over the network, ... based upon the network traffic volume and/or the processing capacity of the receiving device, a display output control parameter of the content of the stream information of the content to be reproduced at the receiving device" and "the display output control parameter related to one or more of display-output-control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content or sound related to one or more of whether to reproduce sound, whether to synthesize a sound with another sound, specifying a sound volume, or voice/sound quality information, or prohibiting and/or permitting another external control at the receiving device of the display parameter." Thus, Yao and Ueno fail to disclose, either expressly or implicitly, the claimed embodiment and also as discussed above Kanazawa information management table 40b only designates content to be displayed, which fails to disclose, either expressly or implicitly to one skilled in the art to be combined with Yao and Ueno and modified, to provide the claimed embodiment and seen one benefit of remotely controlling various display parameters at the receiving device based upon network traffic and/or processing capacity of the receiving device.

As discussed above, a combination of Yao, Ueno and Kanazawa also fail to disclose, either expressly or implicitly, the claimed managing another external control of a display parameter at the receiving device, and the claimed content editing based upon network traffic volume and/or receiving device processing capacity.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependencies from the independent claims.

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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